

Office Action Summary

Application No.

10/811,227

Applicant(s)

STERNERSON, HANNES

Examiner

BEN H. LIU

Art Unit

2464

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 August 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-7,9-15 and 17-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-7,9-15 and 17-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This is in response to an amendment/response filed on August 12th, 2009.
2. No claims have been amended.
3. No claims have been cancelled.
4. No claims have been added.
5. Claims 1-2, 4-7, 9-15, and 17-23 are currently pending.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-2, 4-7, 9-15, and 17-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Biswas (U.S. Patent 6,847,313).

For independent claim 1, Biswas discloses a system for providing frame rate conversion for audio data comprising

a first client configured to transmit audio data frames at a first frame rate (*see figure 1 and column 1 lines 38-67, which recite a first client 102 that transmits audio data at a first rate*),

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a second client configured to receive audio data frames at a second frame rate, wherein the first frame rate is different from the second frame rate (*see figure 1 and column 1 lines 38-67, which recite a second client 106 that receives audio data at a second rate different from the first*); and

a device configured to facilitate transmission of audio data frames between the first client and the second client (*see figure 1, column 1 lines 38-67, and column 2 lines 1-46, which recite a multi-rate filter 104 that facilitate transmission of audio data between first client 102 and second client 106*), wherein the device is configured to:

store the audio data frames received from the first client in an intermediate storage area (*see figure 2 and figure 6, which recite buffer 214 and memory 614, respectively, of the multi-rate filter*); and

repackage the stored audio data frames into one or more frames for transmission to the second client at the second frame rate (*see figure 2 and column 5 lines 13-59, which recite interpolator 202, filter 204, and decimator 206 that repackage the audio data for transmission to the second client at a second rate*),

wherein the audio data frames transmitted at the first frame rate have a first interval between the frames, wherein the audio data frames transmitted at the second frame rate have a second interval between the frames, and wherein the first interval and the second interval are constant, and wherein the total amount of audio data received by the second client in the one or more repackaged frames is equal to a total amount of audio data transmitted by the first client in the audio data (*see column 5 lines 13-59, which recite inserting sampling points to increase the*

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frame rate, but since the inserted sampling points are zero-valued, the total amount of audio data remains the same).

For independent claim 7, Biswas discloses a Voice-over-IP device for facilitating communications between a first client and a second client, the device comprising:

control logic configured to receive audio data frames from the first client at a first frame rate *(see figure 1 and column 1 lines 38-67, which recite a receiving audio data at a first rate from first client 102);*

control logic to store the audio data frames from the first client in an intermediate storage area *(see figure 2 and figure 6, which recite buffer 214 and memory 614, respectively, of the multi-rate filter);*

control logic to repackage the stored audio data frames into one or more frames for transmission to the second client at a second frame rate *(see figure 2 and column 5 lines 13-59, which recite interpolator 202, filter 204, and decimator 206 that repackage the audio data for transmission to the second client at a second rate);*

control logic configured to transmit the one or more frames into which the stored audio data frames were repackaged to the second client at the second frame rate *(see figure 1 and column 1 lines 38-67, which recite a transmitting the repackaged audio data at a second rate to second client 106);*

wherein the first frame rate is different from the second frame rate, wherein the audio data frames transmitted at the first frame rate have a first interval between the frames, wherein the audio data frames transmitted at the second frame rate have a second interval between the frame, and wherein the first interval and the second interval are constant, and wherein a total

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amount of audio data received by the second client in the one or more repackaged frames is equal to a total amount of audio data transmitted by the first client in the audio data frames (*see column 5 lines 13-59, which recite inserting sampling points to increase the frame rate, but since the inserted sampling points are zero-valued, the total amount of audio data remains the same*).

For independent claim 11, Biswas a system for providing frame rate conversion for audio data, comprising:

a first client configured to transmit audio data frames at a first frame rate (*see figure 1 and column 1 lines 38-67, which recite a first client 102 that transmits audio data at a first rate*);

a second client configured to receive audio data frames at a second frame rate, wherein the first frame rate is different from the second frame rate (*see figure 1 and column 1 lines 38-67, which recite a second client 106 that receives audio data at a second rate different from the first*); and

an intermediate storage area configured to store audio data frames received from the first client (*see figure 2 and figure 6, which recite buffer 214 and memory 614, respectively, of the multi-rate filter*);

a device configured to repackage the stored audio data frames into one or more frames for transmission to the second client at the second frame rate (*see figure 2 and column 5 lines 13-59, which recite interpolator 202, filter 204, and decimator 206 that repackage the audio data for transmission to the second client at a second rate*);

wherein the audio data frames transmitted at the first frame rate have a first interval between the frames, wherein the audio data frames transmitted at the second frame rate have a second interval between the frame, and wherein the first interval and the second interval are

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constant, and wherein a total amount of audio data received by the second client in the one or more repackaged frames is equal to a total amount of audio data transmitted by the first client in the audio data frames *(see column 5 lines 13-59, which recite inserting sampling points to increase the frame rate, but since the inserted sampling points are zero-valued, the total amount of audio data remains the same)*.

For independent claim 15, Biswas discloses a method for providing frame rate conversion for audio data, the method comprising:

receiving audio data frames from a first client at a first frame rate *(see figure 1 and column 1 lines 38-67, which recite a receiving audio data at a first rate from first client 102)*;

storing the received audio data frames in an intermediate storage area *(see figure 2 and figure 6, which recite buffer 214 and memory 614, respectively, of the multi-rate filter)*;

converting the received audio data frames into one or more frames *(see figure 2 and column 5 lines 13-59, which recite interpolator 202, filter 204, and decimator 206 that repackage the audio data for transmission to the second client at a second rate)*; and

transmitting the one or more frames to a second client at a second frame rate *(see figure 1 and column 1 lines 38-67, which recite a transmitting the repackaged audio data at a second rate to second client 106)*;

wherein the first frame rate is different from the second frame rate, wherein the audio data frames transmitted at the first frame rate have a first interval between the frames, wherein the audio data frames transmitted at the second frame rate have a second interval between the frame, and wherein the first interval and the second interval are constant, and wherein a total amount of audio data transmitted in the one or more repackaged frames is equal to a total amount

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of audio data received from the first client (*see column 5 lines 13-59, which recite inserting sampling points to increase the frame rate, but since the inserted sampling points are zero-valued, the total amount of audio data remains the same*).

For independent claim 20, Biswas discloses a method for providing frame rate conversion for audio data, the method comprising:

receiving audio data frames from a first client at a first frame rate (*see figure 1 and column 1 lines 38-67, which recite a receiving audio data at a first rate from first client 102*);

storing the received audio data frames in an intermediate storage area (*see figure 2 and figure 6, which recite buffer 214 and memory 614, respectively, of the multi-rate filter*);

repackaging the stored audio data frames into one or more frames (*see figure 2 and column 5 lines 13-59, which recite interpolator 202, filter 204, and decimator 206 that repack the audio data for transmission to the second client at a second rate*); and

transmitting the one or more frames to a second client at a second frame rate; wherein the first frame rate is different from the second frame rate (*see figure 1 and column 1 lines 38-67, which recite a transmitting the repackaged audio data at a second rate to second client 106*),

wherein the audio data frames transmitted at the first frame rate have a first interval between the frames, wherein the audio data frames transmitted at the second frame rate have a second interval between the frame, and wherein the first interval and the second interval are constant, and wherein a total amount of audio data transmitted to the second client in the one or more repackaged frames is equal to a total amount of audio data transmitted by the first client in the audio data frames (*see column 5 lines 13-59, which recite inserting sampling points to*

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increase the frame rate, but since the inserted sampling points are zero-valued, the total amount of audio data remains the same).

For claim 2, Biswas discloses a system for providing frame rate conversion for audio data wherein the device is further configured to receive the audio data frames from the first client at the first frame rate and convert the audio data frames for transmission to the second client at the second frame rate (*see figure 2 and column 5 lines 13-59, which recite interpolator 202, filter 204, and decimator 206 that repackage the audio data for transmission to the second client at a second rate*).

For claims 4, 9, 12, 17, and 21, Biswas discloses a system and method for providing frame rate conversion wherein the system is implemented in software, hardware or a combination of both (*see column 4 lines 50-67*).

For claims 5, 10, 13, 19, and 23, Biswas discloses a system and method for providing frame rate conversion for audio data wherein the first client and the second client include telephonic equipment (*see column 3 lines 38-60*).

For claims 6, 14, 18, and 22, Biswas discloses a system and method for providing frame rate conversion for audio data wherein a Voice-over-IP gateway is used for facilitating the communications between a first client configured to transmit audio data at a first frame rate and a second client configured to receive audio data at a second frame rate (*see figure 2 and column 3 lines 6-12, which recite a facilitating communication between two clients in a Voice over Packet system*).

Response to Arguments

8. It is noted with appreciation that the Applicant has carefully considered the previous Office Action and the cited prior art references. Applicant's arguments filed August 12th, 2009 with respect to the rejection(s) of claim(s) 1-2, 4-7, 9-15, and 17-23 under 35 U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of 35 U.S.C. 102(e) as being anticipated by Biswas (U.S. Patent 6,847,313).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. *(Please See form PTO-892)*.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BEN H. LIU whose telephone number is (571)270-3118. The examiner can normally be reached on 9:00AM to 6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on (571)272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR

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system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ricky Ngo/
Supervisory Patent Examiner, Art Unit
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